

HOUSE BILL 1188

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1; Title 40, Chapter 24 and Title 71, Chapter 6, Part 3, relative to forensic medical examinations in sexual assault cases and the payment thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-105, is amended by deleting the language “or” at the end of subdivision (a)(6); by adding the following new subdivision (a)(7) and by renumbering existing subdivision (a)(7) accordingly:

(6) In the case of a sexually-oriented crime, as defined in § 39-13-502, §§ 39-13-503, 39-13-506, 39-13-522, 39-13-531, 39-13-532, or sexual battery, as defined in §§ 39-13-504, 39-13-505, 39-13-527, against a victim, where the compensation is for the full-out-of-pocket expenses of forensic sexual assault examinations. “Full out-of-pocket expenses” means any expense that may be charged to a victim in connection with a forensic medical examination for the purpose of gathering evidence of a sexual assault. For individuals covered by insurance, “full out-of-pocket costs” means any costs that the insurer does not pay. The compensation for reimbursement under this subdivision (a)(7) shall not exceed seven hundred fifty dollar (\$750), and such amount shall constitute full compensation to the hospital or health care professional providing such services. Payment under this part does not prohibit the victim from receiving other payments for which the victim may be eligible under this section or any other provision of law.

SECTION 2. Tennessee Code Annotated, Section 40-24-108, is amended by deleting subsection (a) and substituting instead the following:

(a) When any person is convicted of a sexual offense as defined in subdivision (b)(2) on or after July 1, 2003, in addition to any other punishment that may be imposed

for the sexual offense, the court shall impose a fine of two hundred dollars (\$200). The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the fine to the general fund. All fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding forensic medical examinations for victims of sexual assault pursuant to title 71, chapter 6, part 3.

SECTION 3. Tennessee Code Annotated, Title 71, Chapter 6, Part 3, is amended by deleting the part in its entirety and substituting instead the following:

Section 71-6-301. There is established the sexual assault forensic examination fund for the purpose of funding forensic medical examinations for victims of sexual assault who are not eligible for reimbursement from the criminal injuries compensation fund pursuant to § 29-13-105(7). The fund is to be administered by the department of finance and administration in accordance with the provisions of this part and rules of the department.

Section 71-6-302. As used in this part, unless the context requires otherwise:

- (1) "Department" means the department of finance and administration;
- (2) "Full out-of-pocket costs", for victims covered by insurance, means any cost that the insurer does not pay. The compensation for this reimbursement shall not exceed seven hundred fifty dollars (\$750.00), and such amount shall constitute full compensation to the hospital or health care professional providing such services.
- (3) "Full out-of-pocket expenses" means any expense that may be charged to a victim in connection with a forensic medical examination for the purpose of gathering evidence of a sexual assault
- (4) "Sexual assault" includes victims of any of the sexual offenses set out in § 40-24-108(b)(2); and

Section 71-6-303. In administering the sexual assault forensic examination fund, the department:

(1) Shall establish an advisory committee, which shall review all program criteria adopted by the department and advise the commissioner relative to the allocation of funds under this part. The committee shall consist of five (5) members, one (1) of whom should be a former client of a sexual assault program. Three (3) of the committee members shall be appointed by the commissioner with consent and approval of the governor. Two (2) of the advisory committee members shall be appointed by the governor from among persons recommended by the Tennessee coalition against domestic and sexual violence. Each committee member shall be selected for a four-year term and may be selected to serve successive terms. Committee members shall be reimbursed for their actual expenses in attending meetings, with travel expenses to be reimbursed in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter;

(2) Shall accept any federal funds that may be available for use in carrying out the provisions of this part and may use state funds, in addition to the funds allocated under this part, as matching funds for federal funds if matching funds are required;

(3) May expend only those actual amounts, including travel expenses for advisory committee members, reasonably necessary for administration of the funds provided under this part;

(4) Shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary

to carry out the purposes of this part related to the programs under its jurisdiction. The department shall, upon recommendation of its advisory committee, establish standards for operation of the services including establishment of a timetable for application and disbursement of funds; and

(5) In order to administer services, make reimbursements, monitor eligibility and assist victims seeking reimbursement under the sexual assault forensic examination fund, the department shall award a grant to the Tennessee coalition against domestic and sexual violence for such purposes.

SECTION 4. For purposes of the department establishing the sexual assault forensic examination fund established by this part and to award a grant to administer it, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2007, the public welfare requiring it.